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## **Conservation Commission Minutes, January 5, 2006**

### **ARLINGTON CONSERVATION COMMISSION MINUTES**

**JANUARY 5, 2006**

Mr. Stevens called the meeting to order at 7:30 p.m. in the second floor conference room of the Town Hall Annex. Present were Timothy Sullivan, David White, William O'Rourke, Catherine Garnett, and Judith Hodges of the Commission. Ellen Reed, of the Commission, was not in attendance. Charles LeRay, Esq. of Goodwin Proctor, Mark DiOrio and Robert Schlager of the Bulfinch Companies, Inc., Ingeborg Hegemann of BSC Group, Dan Driscoll of DCR, Steve Kaiser, Elsie Fiore, Carolyn Mieth, and Rob Aiello were in attendance for the pathway work in the Alewife Reservation. Patrick Sheehan and Jim Daubenspeck of GZA Associates were in attendance for the project at 1395 Massachusetts Ave.

7:30 p.m. - COMMISSION BUSINESS

O'Rourke/Hodges motioned to approve the 11/17 minutes with minor edits; motion passed unanimously.

Ms. Beckwith informed the Commission that it was just brought to her attention that the board is named as the appellant in a court action to an appeal of the CSO discharges to Alewife Brook by Cambridge. The thought by Mr. Stevens understands that was that this state appeal action was not going to proceed very far since the parallel Federal appeal process would go forward first, before this action could take place, effectively staying this action. The board voted to approve the action taken by our counsel.

White/O'Rourke motioned to approve the appeal to the EPA discharge permit for Cambridge; motion passed unanimously.

The board will discuss and make plans for the next annual Land Stewards meeting at our Jan 19 meeting.

The board directed Ms. Beckwith to contact the property management company for 17 Mill St. regarding sanding of the its fire road next to Mill Brook.

7:45 pm – NOTICE OF INTENT for 0 Spy Pond Parkway, hearing continued from November 17, 2005.

This hearing was continued to 1/19/06 at the request of the applicant, due to it still collecting the retrieval of drainage plan information.

Ms. Garnett, as an employee of DCR, recused herself from the following hearing and removed herself from the meeting table.

7:45pm – NOTICE OF INTENT for pathway work at the Alewife Reservation

Ms. Garnett, as an employee of DCR, recused herself from this hearing and removed herself from the meeting table.

A site walk was attended by Mr. White, Mr. O'Rourke, and Mr. Stevens, on the morning of January 4, 2006 with the Ingeborg Hegemann, Paul Finger, and Mark DiOrio. . Ms. Beckwith also went to see the work on a separate occasion.

Ms. Hegemann submitted information requested by the Commission members at the site visit and by Ms. Beckwith: As-built plans, plans showing the resource area boundaries, more detailed information on flood storage compensation, proposed plant lists and guidelines (from DCR), and specifications for the lighted bollards.

Mr. Driscoll described the work in general to construct a foot path from the redevelopment on Acorn Park Drive to the MBTA Station access road. An as built plan has been submitted as part of the filing (confirm this).

Ms. Hegemann described the project in more detail. The Bulfinch Company has already completed, at their own cost, the construction of 923 s.f. of pathway within the Buffer Zone and Riverfront Area to the Alewife. If the project were only in

Riverfront but not in also in another Resource Area, not in Buffer Zone, then this pathway project could be eligible as construction would be a limited project (310 CMR 10.53(6)). The pathway is impervious, aggregate material of light color, not bituminous paving.

Ms. Fiore made a statement that she is insulted that this filing is after-the-fact and that the area was supposed to be restored to a meadow for woodcock. She submitted an email from Stewart Sanders on this subject describing thickets. She said that a proper sidewalk should have been constructed along the T access road.

Mr. Kaiser described some of the permit process in Cambridge for this work. On Nov. 14 the Cambridge Conservation Commission they voted on a Finding of No Significance as a part of the larger work to remove pavement from the old parking lot. The DCR work permit was dated 12/19. The old foot path near to the Brook is not currently eroding. A fine for this work should be upheld.

Mr. Driscoll responded that he was out on parental leave at this time and that was the reason for the later date of the DCR permit Evergreens could be planted in there.

Ms. Fiore made a statement that she thinks the developer pushed this work through.

Mr. Schlager described that his company has donated \$300,000 dollars towards this work. He apologizes for the oversight of not filing in Arlington for this work. The town boundary skews back towards the work area in this location. Of the 800 feet of construction for the path, only 60 feet is located in Arlington. The lights are low bollards, only two of which are located in Arlington, right near the circle.

Mr. Stevens asked that the use of the MWRA's easement with MWRA be reissued to to service their manhole be coordinated with DCR so as to avoid further impacts to the Resource Areas. work and service to their manhole. There were a A recent series of events related to maintenance activities that resulted in potential violations of the local wetlands bylaw and possibly the WPA. Briefly, the maintenance vehicle sent to the manhole, broke down and was left on site for over a week. The tow truck brought in to rescue it, made large ruts in the ground, and left a gravel pile near the sidewalk.

The light design will be tried and if it has problems, then changes will be made. There will be a removable bollard.

Mr. Driscoll described that the pathway will have grassy edges and therefore will not appear as wide as constructed.

Ms. Mieth stated that a ramp and sidewalk was a viable alternative.

Mr. Driscoll stated that MWRA needs an 8 8-foot wide opening in the fence and , needs to access the manhole twice a year. He will coordinate the use of the easement with them MWRA and get the details back to the board.

With the consent of the applicant, this hearing was continued, to allow for the coordination and submission of this information, to February 2 at 7:45pm.

#### 9pm – REQUEST FOR DETERMINATION OF APPLICABILITY, 1395 MASSACHUSETTS AVE

Previously, the Commission The construction permitted the construction of the Sunrise Assisted Living facility was issued a permit at the site of a former parking lot and former maintenance building for MBTA buses. There was substantial cleanup of petroleum impacted soils and groundwater at that time.

Mr. Daubenspeck and Mr. Sheehan described the presence of remaining petroleum product contamination on the site, to the rear of the elderly housing facility. The contamination was found in test wells on the site. It consists of ½ inch of liquid product on the water table at about 7 feet deep down to 13 feet deep. The project will be to remove the cover fill, store on site, covered, while the groundwater is removed and treated and any contaminated soil is also removed. The work area is within 20 feet of Mill Brook but is separated from the brook by an approximately 1 foot high retaining wall. All of the work will take place on the site of the assisted living facility. The Commission asked that the response action memorandum be submitted when it is completed.

O'Rourke/Garnett motioned to issue a Determination of Applicability that approve allows the response action without the need to file a Notice of Intent, finding that the work is within the Buffer Zone to the Mill Brook but will not harm the resource; motion passed unanimously.

The Commission voted to convene at approximately 10 p.m.

Respectfully submitted,

Corinna Beckwith  
Administrator